



File Code: 1950

Date: December 4, 2017

Dear Interested Party,

The USDA Forest Service, Shasta-Trinity National Forest (USFS), in partnership with the Trinity River Restoration Program, is proposing the Howe Ditch project (Project) to address unauthorized stream diversion structures that are currently diverting water from National Forest System lands on East Weaver Creek.

Background/Proposed Action

East Weaver Creek is a tributary to Weaver Creek, which currently supports steelhead (*Oncorhynchus mykiss*) and federal and state Endangered Species Act-protected Southern Oregon and Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*). The creek is also a water source for many water right holders.

Currently an unauthorized rock weir within East Weaver Creek is forcing water into the Howe Ditch (Figure 2 below). There is also an unauthorized concrete flume located approximately 40 feet up the Howe Ditch from the rock weir that facilitates flow of water from the head of the ditch into the main body of the ditch. The concrete flume is approximately 15' long, 3.5' wide, and 3.5' deep (Figure 3 below). The concrete flume is essentially stabilizing a top point of the ditch in place. Both the rock weir and concrete flume are currently without a special use permit from the USFS, or a streambed alteration permit from California Department of Fish and Wildlife (CDFW), and do not serve a water right per the California Department of Water Resources (DWR). The unauthorized structures currently divert approximately 50% or more of the flow of East Weaver Creek during low flow periods¹.

The Forest Service proposes to render these unauthorized structures permanently inoperable. This will remove a partial barrier to fish passage on East Weaver Creek. The Project will also promote greater habitat connectivity in low flow periods, and will lower stream temperatures; two key limiting factors for coho and steelhead in this watershed. Further, by closing off the head of the ditch, juvenile fish will not become entrained in the flow and stranded, which will eliminate direct mortality caused by this unauthorized diversion.

Your Involvement

The purpose of this scoping letter is to invite you to participate in the NEPA analysis process for the Project by providing comments, suggestions, or concerns you may have about this proposal during this public scoping period. If you have information you feel the agency may not be aware of, or feel you have issues (points of dispute, debate, or disagreement) regarding potential effects of this proposal, please send those issues in writing to the USFS at the address listed at the close

¹ Trinity River Restoration Program, personal observation.



of this letter. The Howe Ditch project is being proposed entirely on lands that are administered by the Forest Service. This decision will not authorize any treatments on lands not administered by the Forest Service.

Project Location

The East Weaver Creek watershed is located in the Klamath Mountain province in Trinity County, California (see Figure 1. Project Location Map). East Weaver Creek is a branch of Weaver Creek, which itself is a tributary to the Trinity River. The unauthorized diversion structures on East Weaver Creek are just north of the town of Weaverville, in township 34N, range 9W, section 30.

Purpose and Need for Action

Code of Federal Regulations (CFR) 36 251.50(a) states: "All uses of National Forest System lands, improvements, and resources except those authorized by the regulations governing sharing use of roads; grazing and livestock use; the sale and disposal of timber and special products, such as timber greens, mushrooms, and medicinal plants; and minerals are designated "special uses." Before conducting a special use, individuals or entities must submit a proposal to the authorized officer and must obtain a special use authorization from the authorized officer unless that requirement is waived by paragraphs c through e (3) of this section." The Shasta-Trinity Land and Resource Management Plan² (LRMP), includes the Forest Goals to 1) "work towards eliminating occupancy trespass"³, and 2) "maintain or improve water quality and quantity to meet fish habitat requirements and domestic water needs"⁴. The Project will help meet the Forest Goals and CFR regulation listed above.

The USFS is obligated to comply with state and federal law. Allowing continued operation of the unauthorized diversion structures is contrary to these regulations. California Department of Fish and Wildlife, the Northwest California Resources Conservation and Development Council, and the National Marine Fisheries Service have all expressed concerns about this diversion. Concern was also expressed by the U.S. Bureau of Reclamation's Trinity River Restoration Program, which is funding tributary restoration projects both upstream and downstream of the unauthorized diversion.

The Planning Process and How You Can Participate

The decision-making process provides opportunities for interested parties to provide their ideas and comments regarding resource management proposals. This input is important in assisting the Forest Service in identifying issues that will shape the proposed action and lead to a decision. You are encouraged to submit project-specific written comments related to the proposal during the scoping comment period. Comments received by January 30, 2018 will be fully considered and most useful in helping the agencies evaluate the proposal. The most useful comments provide new information or describe unwanted environmental effects potentially caused by the

² Shasta-Trinity National Forest, 1995.

³ LRMP pg. 4-4.

⁴ LRMP pg. 4-6.

proposal. If you reference scientific literature in your comments, you must provide a copy of the entire cited reference and include rationale as to how you feel it is pertinent to the project.

Written comments can be submitted via fax to 530-623-6010 or mailed to USFS District Ranger, ATTN: Stephanie Riess, Weaverville Ranger Station 360 Main Street Hwy 299, P.O. Box 1190 Weaverville, California 96093, or hand delivered during normal business hours (8am to 4:30pm, Monday-Friday, excluding holidays). You can send comments electronically to: comments-pacificsw-shasta-trinity-bigbar-weaverville@fs.fed.us; attachments may be in the following formats: plain text (.txt), rich format (.rtf), Word (.doc, .docx), or portable document format (.pdf). Please address comments to "Howe Ditch Project".

Sincerely,



Trinity River Management Unit Acting District Ranger

Figure 1. Project Location Map.



Figure 2. Diversion point on East Weaver Creek, with Howe Ditch on right, East Weaver Creek on left, and unauthorized rock weir in between.

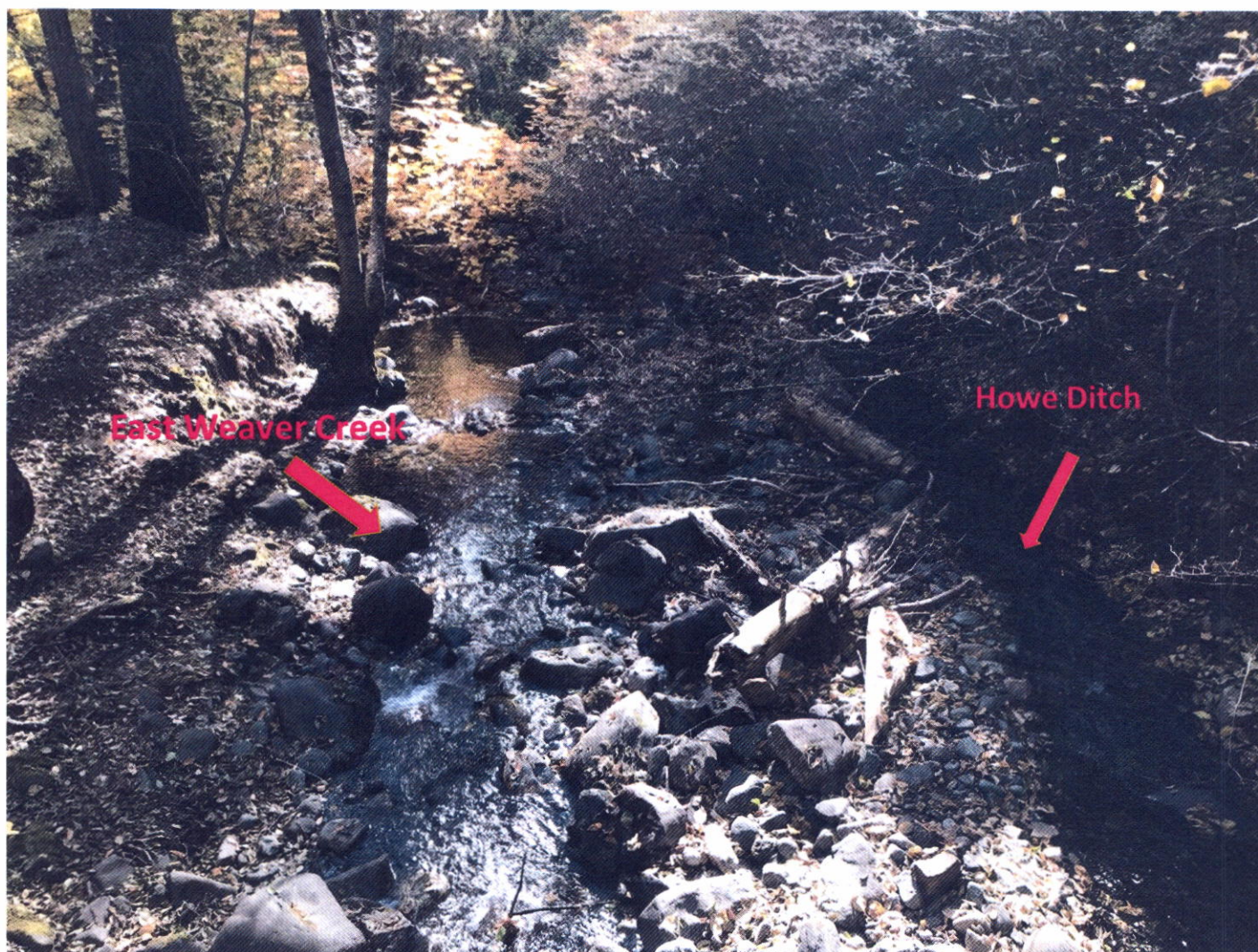


Figure 3. The concrete flume located on the Howe Ditch.



